

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION**

UNITED STATES OF AMERICA,

VS.

CRIMINAL ACTION NO. 3:08CR098-P-A

BUFORD CORNELIUS FLOYD and KEITH PITTMAN

DEFENDANTS.

ORDER CONTINUING TRIAL

This matter comes before the court upon Defendant's seventh motion to continue trial [71].

After due consideration of the motion, the court finds as follows, to-wit:

Trial is currently set for October 26, 2009. Defense counsel requests a continuance to afford more time to review discovery material and to accommodate previously-scheduled court appearances. The Government objects to the extent that it disagrees with defense counsel that it has failed to timely disclose discovery.

The above circumstances enable the Court to exclude, pursuant to 18 U.S.C. section 3161(h)(8)(A), the period of delay from October 26, 2009 until the new trial date to be set in this matter. The time is excludable under subsection (h)(8)(A) because, given the circumstances described above, a continuance is necessary to afford the defendant's counsel more time to adequately prepare for his client's defense. As such, the ends of justice served by the granting of this continuance outweigh the best interests of the public and the defendant in a speedy trial.

IT IS THEREFORE ORDERED AND ADJUDGED that:

(1) Defendant's seventh motion to continue trial [71] is **GRANTED**;

(2) Trial of this matter is continued as to all remaining defendants until Monday, November 16, 2009 at 9:00 a.m. in the United States Courthouse in Greenville, Mississippi;

(3) The delay from October 26, 2009 to November 16, 2009 is excluded from Speedy Trial

Act considerations as set out above;

(4) The deadline for filing pretrial motions is October 26, 2009; and

(5) The deadline for submitting a plea agreement is November 2, 2009.

SO ORDERED this the 21st day of October, A.D., 2009.

/s/ W. Allen Pepper, Jr.

W. ALLEN PEPPER, JR.

UNITED STATES DISTRICT JUDGE